

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-094225

02/06/2014

COMM. VERONICA W. BRAME

CLERK OF THE COURT

L. Hart

Deputy

IN RE THE MATTER OF
THOMAS LLOYD PAYTON

THOMAS LLOYD PAYTON
575 W PECOS RD APT 1120
CHANDLER AZ 85225

AND

MARIA DOLORES BRAVO

MARIA DOLORES BRAVO
UP

FAMILY COURT SERVICES-CCC

ESTABLISHMENT HEARING

Courtroom: 304 SEF

11:07 a.m. This is the time set for Establishment Hearing arising from Father's pro per *Petition to Modify Legal Decision Making (Custody), Parenting Time and Child Support* filed on October 7, 2013. The Obligor/Mother, Maria Bravo ("Mother"), is present on her own behalf. The Oblige/Father, Thomas Payton ("Father"), is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to commencement of proceedings, Thomas Payton and Maria Bravo are sworn.

LET THE RECORD REFLECT that Father's action was referred to the IV-D calendar for modification of child support. The State filed a *Notice of IV-D Case Closure* on October 24, 2013. Therefore, the Court set this matter for Establishment Hearing pursuant to Father's request child support on the specialty calendar.

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LET THE RECORD REFLECT that the parties met informally with a Family Court Conference Center Officer prior to the commencement of today's hearing. The Court has been advised that the parties have reached partial agreements, as reflected in the Position Statement reflected below:

Position Statement

- On January 4, 2013. IVD stopped Father's child support and court ordered \$27.00 as an arrears payment.
- On October 24, 2013 IVD provided a letter closing case as father owed no monies.

Areas of Agreement:

- Father is the primary residential parent.
- Father's income to be attributed at \$5,044.09 per month.
- Father pays support for another child in the amount of \$592.00 per month.
- There are no childcare expenses, extra education expenses, or extraordinary expenses.
- The children are not covered by medical dental, and vision insurance.

Areas of Disagreement:

- Service
- Mother's income.
- Allocation of tax exemptions.
- Commencement date of the child support order.

Father's position:

- Service was accomplished according to the *Affidavit of Service* filed by the process server.
- Wishes to view Mother's income in order to verify her employment.
- Requesting the tax exemption for all tax years.
- Requesting a commencement date of September 1, 2013

Mother's position:

- Mother was not served with Father's action.
- Requesting Father not view Mother's income.
- Requesting the tax exemption for all tax years.
- Requesting a commencement date of March 1, 2014.

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The Court recites the parties' position statement on the record.

The Court takes judicial notice of the *Affidavit of Service* that indicates Mother was served in person with Father's action.

Mother testifies that she has not lived in the home in Mesa since the end of September. Mother testifies that this address is the address on file with her employer and she has not updated the address.

THE COURT FINDS that the process server indicated under penalty of perjury that he served Mother in person at an address in Mesa on October 12, 2013.

THE COURT THEREFORE FINDS that Mother was properly served with Father's action on October 12, 2013.

Mother testifies that she works at a domestic violence shelter making \$12.10 per hour. Mother began working there in July 2013. Prior to that, she was making \$16.25 per hour from November to May 2013.

11:30 a.m. Court recesses in order for the Court to prepare a Child Support Worksheet based upon the parties' testimony.

11:40 a.m. Court reconvenes with respective parties present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based upon the testimony presented herein,

Current Support

The Court attributes a gross monthly income to Father of \$5,044.09 and a gross monthly income to Mother of \$2,080.00. The parties agree that Mother exercises no parenting time.

IT IS ORDERED setting Mother's child support obligation at \$461.00 per month effective November 1, 2013 for two children.

IT IS THEREFORE ORDERED that Mother shall pay to Father for child support of the minor child/ren of the parties, the sum of \$461.00 per month, plus \$5.00 per month Clearinghouse

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fee for a total of **\$466.00**, payable through the Support Payment Clearinghouse on the 1st day of each month by Income Withholding Order.

LET THE RECORD REFLECT an Income Withholding Order is initiated electronically by the above-named deputy clerk. (*Confirmation #413038*)

Tax Exemption

IT IS ORDERED allocating the federal and state tax exemption as follows:

- Father shall claim the tax exemption for Roxanne in all tax years beginning 2014.
- Father shall claim the tax exemption for Thomas in all odd-numbered years beginning 2015.
- Mother shall claim the tax exemption for Thomas in all even-numbered years beginning 2014.

Father may claim the tax exemption provided that he is current in his child support obligation by December 31st of the applicable year.

Insurance – Unreimbursed Medical Expenses

IT IS ORDERED that Mother and Father shall be responsible for providing medical/dental insurance for the minor children as soon as it is available at a reasonable cost through her employment.

IT IS FURTHER ORDERED that all non-covered medical expenses incurred for the health and protection of the minor child(ren) shall be paid by the parties in proportion to their incomes as reflected on the most recent Child Support Guideline Worksheet shall be assigned 32% to Mother and 68% to Father.

The parties shall account to one another for the children's uncovered healthcare expenses in accordance with Section 9.A of the Arizona Child Support Guidelines, which provides that a party seeking reimbursement for uninsured medical, dental, or vision costs shall make request for reimbursement to the other party within 180 days after the date the services occur and shall provide receipts or other evidence of payments actually made upon request of the other party. The party responsible for reimbursement must pay his or her share, or make acceptable payment arrangements, within 45 days after receipt of the request.

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The Court's further findings and orders are as contained in the formal written Order signed by the Court on February 6, 2014 and filed (entered) by the Clerk on February 6, 2014.

FILED: Child Support Order
Child Support Guideline Worksheet

The parties are notified that they have the right to appeal the Court's orders. They would do so by filing a Notice of Appeal with the Arizona Court of Appeals within thirty (30) days of the date of this Order.

11:43 p.m. Matter concludes.

Until the Income Withholding Order becomes effective, it is the responsibility of the party obligated to pay support/maintenance to pay the support to the following:

Support Payment Clearinghouse
P. O. Box 52107
Phoenix, Arizona 85072-2107

Payment should show the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

WARNING: If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

PLEASE NOTE: This courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the FTR courtrooms. You may also request to purchase a copy of a CD of a hearing in a courtroom are directed to call **605-506-7100 (leave details on voice mail)** or **email** your request to: ers@superiorcourt.maricopa.gov.

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Communication with the Court

The parties are advised that a party cannot engage in any *ex parte* communication with the Court (i.e., communication directed to the Court without knowledge of the other party). Therefore, for the Court to consider any request, all copies of any correspondence must be provided to the opposing parties.

Your pleading/motion must also tell the judicial officer the following:

- That the motion/pleading was filed with the Clerk of the Court.
- The date you delivered a copy of the motion to the other parties.
- The address to which the copy was sent to the other parties.
- Whether the delivery was by mail or by hand.

NOTE: If the above instructions are not followed, the pleading/motion will be rejected and not considered by the Court and will subject the filing party to re-filing their request.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.